

# **NEW JERSEY PUBLIC BROADCASTING AUTHORITY**

## **CODE OF ETHICS**

**As Revised May 2002**

Elizabeth G. Christopherson  
Executive Director

Stephen P. McPhillips  
Ethics Liaison Officer

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# **NEW JERSEY PUBLIC BROADCASTING AUTHORITY**

## **CODE OF ETHICS**

**May 2002**

### **I. PURPOSE**

Authority: N.J.S.A. 52:13D-12, 23

In our representative form of government, it is essential that the conduct of public officials and employees shall hold the respect and confidence of the people. Public officials must, therefore, avoid conduct which is in violation of their public trust or which creates a justifiable impression among the public that such trust is being violated.

To ensure propriety and preserve public confidence, persons serving in government should have the benefit of specific standards to guide their conduct and of some disciplinary mechanism to ensure the uniform maintenance of those standards amongst them. Some standards of this type may be found in statutory prohibitions or requirements; others are spelled out in the New Jersey Public Broadcasting Authority Code of Ethics to meet this agency's specific needs.

It is also recognized that under a free government it is both necessary and desirable that all citizens, public officials included, should have certain specific interests in the decisions of government, and that the activities and conduct of public officials should not, therefore, be unduly circumscribed.

This Ethics Code is applicable to all officers and employees of the Department, including temporary and permanent personnel in career service, unclassified positions and senior executive services, as well as all special State officers and employees.

### **II. ETHICS LIAISON OFFICER**

New Jersey Public Broadcasting Authority's Ethics Liaison Officer is the official liaison to the Executive Commission on Ethical Standards, which was created in 1967. Employee questions regarding conflicts of interest or other ethics related matters should be directed to the Ethics Liaison Officer, or an employee may request a review and opinion on an ethical issue from the Executive Commission on Ethical Standards pursuant to N.J. S.A. 52:13D-21 and N.J.A.C. 19:61-2.2(c).

### **III. DEFINITIONS**

Authority: N.J.S.A. 52:13D-13

"Special state officer or employee" means (1) any person holding an office or employment in a State agency, excluding an interstate agency, for which office or employment no compensation is authorized or provided by law, or no compensation other than a sum in reimbursement of expenses, whether payable per diem or per annum, is authorized or provided by law; (2) any person, not a member of the Legislature, holding a part-time elective or appointive office or employment in a State agency, excluding an interstate agency- or (3) any person appointed as a New Jersey member to an interstate agency the duties of which membership are not full-time;

"Authority" means the New Jersey Public Broadcasting Authority;

"State officer or employee" means any person, other than a special State officer or employee (1) holding an office or employment in a State agency, excluding an interstate agency, other than a member of the Legislature, or (2) appointed as a New Jersey member to an interstate agency;

"State official" means any State officer or employee or special State officer or employee as defined in the Conflicts of Interest Law, N.J.S.A. 52:13D-13(b) and (e);

"Executive Director" means the Executive Director of New Jersey Public Broadcasting Authority;

"Direct benefit" means acceptance by a State official from the sponsor of an event or any other person of travel, meals, accommodations, waiver of conference or event fee or any other costs associated with attending the event for which no payment is made by the State but is not intended to mean nominal refreshments such as nonalcoholic beverages and snacks such as doughnuts, pastries and cookies;

"Event" means a meeting, conference, seminar, speaking engagement, symposium, training course, ground-breaking, ribbon-cutting, meal, open house, cocktail party, fundraiser, holiday party, social function, or similar event that takes place away from the State official's work location, is sponsored or co-sponsored by a non-State government source and the invitation for which is extended to the State official because of his/her official position;

"Immediate family" means an employee's spouse, child, parent, or sibling residing in the same household as the State officer or employee, (Emphasis added);

"Indirect benefit" means acceptance by a State official from the event sponsor or any other person of reimbursement for costs of travel, meals, accommodation, event fees, or any other costs associated with attending the event for which no reimbursement is made by the State but is not intended to mean nominal refreshments such as nonalcoholic beverages and snacks such as doughnuts, pastries and cookies;

"Interested party" means (1) any person, or employee, representative or agent thereof, who is or may reasonably be anticipated to be subject to the regulatory, licensing or supervisory authority of the State official's agency; (2) any supplier, or employee, representative or agent thereof, (3) any organization that advocates or represents the positions of its members to the State official's agency; or (4) any organization a majority of whose members are as described in (1) through (3) of this section;

"Person" means any natural person, association, organization, firm, partnership or corporation;

"Personal funds" means funds of a State official. It does not include funds that are loaned, advanced, promised or reimbursed to a State official for any purpose by an interested party-,

"Supplier" means any private sector person who is providing or is seeking to provide or may reasonably be expected to provide goods and/or services, including but not limited to consultants, equipment vendors, and lessors;

"Trade group" means an organization which includes in its membership interested persons as defined herein, and which advocates or represents the positions of its members in addressing issues affecting them.

#### **IV. GENERAL RULES OF CONDUCT**

Authority: N.J.S.A. 52:13D-23, 25

No State official should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, which is in substantial conflict with the proper discharge of his or her duties in the public interest. Please refer to Sections V and VI for further applicable restrictions.

No State official should engage in any particular business, profession, trade or occupation which is subject to licensing or regulation by a specific agency of State Government without promptly filing notice of such activity with the Executive Commission on Ethical Standards. Please refer to Sections V and VI for further applicable restrictions.

No State official should use or attempt to use his or her official position to secure unwarranted privileges or advantages for him, herself or others.

No State official should act in his or her official capacity in any matter wherein he or she has a direct or indirect personal financial interest that might reasonably be expected to impair his or her objectivity or independence of judgment.

No State official should undertake any employment or service, whether compensated or not, which might reasonably be expected to impair his or her objectivity and independence of judgement in the exercise of his or her official duties.

No State official should accept any gift, favor, service or other thing of value under circumstances from which it might be reasonably inferred that such gift, service or other thing of value was given or offered for the purpose of influencing him or her in the discharge of his or her official duties.

No employee of the Authority shall accept or solicit from any person anything of value which he/she knows or has reason to believe is offered to him/her with intent to influence him/her in the performance of his/her public duties and responsibilities. This shall not apply to contributions solicited or accepted on behalf of the campaign of an announced candidate for an elected office.

No employee of the Authority shall knowingly act in any way that might reasonably be expected to create an impression or suspicion among the public having knowledge of this act that he/she may be engaged in conduct violative of his/her trust as an employee of the Authority.

No State official shall 1) willfully disclose to any person, whether or not for pecuniary gain, any information not generally available to members of the public which he receives or acquires in the course of and by reason of his/her official duties, 2) use for the purpose of pecuniary gain, whether direction or indirectly, any information not generally available to members of the public which he receives or acquires in the course of and by reason of his official duties.

State officials may seek clarification of the Code's provisions from the Authority's Ethics Liaison Officer or from the Executive Commission on Ethical Standards.

## **V. GUIDELINES ON SPECIFIC SUBJECTS**

### **A. Attendance at Events or Functions**

Authority: N.J.A.C. 19:61-6

#### **Food, Beverage and Travel:**

1. State officers or employees on legitimate state business authorized by the Executive Director of New Jersey Public Broadcasting Authority (or designee) are responsible for full payment of the costs of their meals, beverages, lodging and travel. However, upon proper approval, and in accordance with State travel regulations, and in accordance with the specific program funding and reimbursement policies, the State will reimburse the reasonable expenses of the State officer or employee. Neither the State officer or employee nor the State may accept the same from any interested person, supplier or trade group which is licensed, regulated, inspected, or otherwise doing business with the Authority, contemplating doing such business, or seeking to influence official actions.
2. The requirement and prohibition in (1) above need not apply if the event is designed to provide training, dissemination of information, or the exchange of ideas and the State officer or employee is making a speech or is participating in a panel at the event or is an accompanying resource person for the speaker and/or participant subject to the reasonable approval of the department head. The direct or indirect benefit provided to the State officer or employee by the sponsor of the event must be identical to the benefits provided to other speakers or panel participants. If an actual conflict or the appearance of conflict could arise under the application of this paragraph, the provisions of paragraph (1) shall govern.
3. The State officer or employee shall not accept an honorarium or fee for a speech or presentation at an event sponsored by an interested party. He/She may accept an honorarium or fee if such fee has been pre-designated for donation to charity or a not-for-profit entity and the interested party must be designated as the donor.
4. The State officer or employee may pay his or her own expenses with his or her personal funds.

#### **Government Activities:**

A State officer or employee with approval from the Executive Director of New Jersey Public Broadcasting Authority (or designee) to attend an event sponsored by a Federal or non-New Jersey State, County or Municipal government agency, instrumentality or organization may be reimbursed by the sponsoring agency for reasonable expenses incurred.

**Private Capacity:**

A State officer or employee may attend any event or function paid for with personal funds on the officer's or employee's personal time, provided it does not conflict with any other provision of this Code.

A State officer or employee who wishes to attend an event in his/her private capacity may be directly reimbursed by the organization for reasonable expenses under the following circumstances:

1. If the event of an organization is not specifically licensed nor significantly nor substantially regulated by a State officer's or employee's agency, or is an organization with which the officer or employee has not had, does not have, or is not reasonably expected to having dealings in the course of his/her official duties; or
2. If the event is sponsored by an organization the majority of whose members are not licensed or regulated by said agency, or with whom the officer or employee has not had, does not have, or is not reasonably expected to have dealings in the course of his/her official duties.

**Business-Related Functions:**

Any State officer or employee who receives an invitation to any business-related function (such as a conference, ground-breaking, ribbon-cutting, meal, open house, cocktail party, fund-raiser, holiday party or other social function, an appearance involving an honorarium etc.) from or with a firm or person doing business with the New Jersey Public Broadcasting Authority shall report the invitation to the Ethics Liaison Officer. A determination will then be made after taking into account appropriate guidelines of the Executive Commission on Ethical Standards in consultation with the appropriate persons as to whether (1) representation of the New Jersey Public Broadcasting Authority is appropriate; (2) acceptance of the invitation is in conflict with the Code; and/or (3) the New Jersey Public Broadcasting Authority should underwrite the costs incurred for participation in the activity as an alternative to accepting the invitation as offered.

A State officer or employee who wishes to review guidelines governing attendance at events or functions in detail may request a copy from the Ethics Liaison Officer.

**B. Receipt of Gifts and Favors**

N.J.S.A. 52:13D-14,24 (March 1990 Guideline)

Any State official who receives a gift, benefit, favor or other thing of value, either directly or indirectly and whether by himself or herself, or through a spouse or family member, from a person or entity with whom the officer or employee has had contact in his or her official capacity shall report, immediately, receipt of the item to the Ethics Liaison Officer. A form to be used for the purpose of such reporting shall be provided, upon request, by the Ethics Liaison Officer. Upon review of the report submitted by the officer or employee, the Ethics Liaison Officer shall determine whether the item may be accepted or retained, or whether such receipt would create an impression of a conflict of interest, appearance of impropriety or violation of the public trust. Only those items which have minimal value and which do

not create the impression that the officer or employee endorses a particular product or service will be deemed suitable for acceptance or retention.

**C. Retirement Gifts**

(Feb. 15, 1989 Guideline)

Gifts may be funded by a maximum contribution of \$5 per person, collected from invitees to the retirement function- If this method of funding is used, no maximum value is set for the cost of the gifts, but contributions of more than \$5 per invitee are not permitted.

Or

The maximum value of retirement gifts cannot exceed \$1,000. If this method is used, there is no maximum set on individual contributions, but the total value of retirement gifts and/or monetary tokens to the retiree, spouse and dependents cannot exceed \$1,000. If, instead of presenting gifts or monetary tokens to the retiree, spouse, and dependents, a decision is made to make a monetary contribution to a qualified organization (under IRS Code 501(c)(3)), no limit is placed on the maximum value of the contribution.

**D. Use of State Information, Property and Funds, Use of Official Stationery**

1. A State officer or employee shall use the information, property and funds under his or her official control in accordance with prescribed procedures and not for personal gain or benefit.
2. A State officer or employee shall not use or disclose information not generally available to members of the public, which information is obtained during the course of the officer or employee's work within the office other than such use or disclosure connected with the officer or employee's official duties.
3. In addition to all other official uses, the following uses of official stationery are generally permitted:
  - a. To recommend a current or former employee or colleague for another position, admission to a school or program, etc.
  - b. To respond to inquiries from a private entity about the employment status of a current or former employee or colleague. No other uses are permitted without the approval of the Ethics Liaison Officer. Any questions regarding this area should be referred to the Ethics Liaison Officer.

**E. Joint Ventures and Private Financing of State Activities**

All proposals for joint ventures between private entities and State agencies or private financing of State activities must receive prior approval from the Executive Director. The



Ethics Liaison Officer will supply a form to be used for providing necessary information for this purpose.

#### **F. Secondary Employment**

The Executive Director may allow State officers or employees to hold outside office or employment, whether compensated or uncompensated, provided there is no conflict of interest with the State officer or employee's State job, and the State officer or employee does not use his or her State office or State time for the conduct of outside office or employment. Forms, as needed, may be obtained from the Ethics Liaison Officer.

No New Jersey Public Broadcasting Authority officer or employee shall accept secondary employment with any institution or entity licensed, regulated or chartered by the Authority.

Pursuant to N.J.A.C. 19:61-2.2, the Ethics Liaison Officer shall send copies of all secondary employment forms to the Executive Commission on Ethical Standards for review.

#### **G. Post-Employment Guidelines**

See N.J.S.A. 52:13D-13(g), 17

No State official, subsequent to the termination of his office or employment in any State agency, shall represent, appear for, negotiate on behalf of, or provide information not generally available to members of the public or services to, or agree to represent, appear for, negotiate on behalf of, or provide information not generally available to members of the public or services to, whether by himself or through any partnership, firm or corporation in which he has an interest or through any partner, officer or employee thereof, any person or party other than the State in connection with any cause, proceeding, application or other matter with respect to which such State official shall have made any investigation, rendered any ruling, given any opinion, or been otherwise substantially and directly involved at any time during the course of his office or employment. Any person who willfully violates the provisions of this section is a disorderly person, and shall be subject to a fine not to exceed \$500 or imprisonment not to exceed six months, or both.

Employees who plan to leave State service may request a copy of detailed post-employment guidelines from the Ethics Liaison Officer or Personnel office.

#### **H. Professional Licenses**

See N.J.S.A. 52-13D-23(e)(2)

No State official may engage in any particular business, profession, trade or occupation which is subject to licensing or regulation by a specific agency of State Government without first filing notice of such activity with the Ethics Liaison Officer and with the Executive Commission on Ethical Standards. Any State official must disclose any professional or business license held by that officer or employee on the Conflict of Interest Questionnaire annexed to this Code of Ethics.

**I. Representation, Appearance or Negotiation**

See N.J.S.A. 52:13D- 1 5, 16, 20

1. No State official shall represent, appear for or negotiate the acquisition or sale of any interest in real or tangible or intangible personal property by the State on behalf of a party other than the State;
2. No State officer or employee, shall represent, appear for or negotiate on behalf of a party other than the State in any cause, proceeding, application or other matter pending before the State except as otherwise permitted by N.J.S.A. 52:13D-16;
3. No special State officer or employee shall represent, appear for or negotiate on behalf of a party other than the State in any cause, proceeding, application or other matter pending before the particular bureau, board, council, commission, authority, agency, fund or system in which such special State officer or employee holds office or employment, except as otherwise permitted by N.J.S.A. 52:13D- 1 6; and
4. No State official shall act as an officer or agent of the State in any transaction in which he or she has a pecuniary interest.

**J. Recusal Process**

N.J.A.C. 19:61-7.4 Situations where recusal is required

Questions arising under this section may be referred to and resolved in consultation with the Executive Commission on Ethical Standards.

**K. Certain State and municipal officers and employees; relationship with casino applicants or licensees; prohibitions; violations**

N.J.S.A. 52:13D-17.2

- a. As used in this section "person" means any State officer or employee subject to financial disclosure by law or executive order and any other State officer or employee with responsibility for matters affecting casino activity; any special State officer or employee with responsibility for matters affecting casino activity; the Governor; any member of the Legislature or any full-time member of the Judiciary; any full-time professional employee of the Office of the Governor, or the Legislature; members of the Casino Reinvestment Development Authority; the head of a principal department; the assistant or deputy heads of a principal department, including all assistant and deputy commissioners; the head of any division of a principal department; any member of the governing body, or the municipal judge or the municipal attorney of a municipality wherein a casino is located; any member of or attorney for the planning board or zoning board of adjustment of a municipality wherein a casino is located, or any professional planner, or

consultant regularly employed or retained by such planning board or zoning board of adjustment.

- b. No State officer or employee, nor any person, nor any member of the immediate family of any State officer or employee, or person, nor any partnership, firm or corporation with which any such State officer or employee or person is associated or in which he has an interest, nor any partner, officer, director or employee while he is associated with such partnership, firm, or corporation, shall hold, directly or indirectly, an interest in, or hold employment with, or represent, appear for, or negotiate on behalf of, any holder, or applicant for, a casino license, or any holding or intermediary company with respect thereto, in connection with any cause, application, or matter except that (1) a State officer or employee other than a State officer or employee included in the definition of person, and (2) a member of the immediate family of a State officer or employee, or of a person, may hold employment with the holder of, or applicant for, a casino license if, in the judgement of the Executive Commission on Ethical Standards, the Joint Legislative Committee on Ethical Standards, or the Supreme Court, as appropriate, such employment will not interfere with the responsibilities of the State officer or employee, or person, and will not create a conflict of interest, or reasonable risk of the public perception of a conflict of interest, on the part of the State officer or employee, or person. No special State officer or employee without responsibility for matters affecting casino activity, excluding those serving in the Department of Education, Health and Human Services and the Commission on Higher Education, shall hold, directly or indirectly, an interest in, or represent, appear for, or negotiate on behalf of, any holder of, or applicant for, a casino license, or any holding or intermediary company with respect thereto, in connection with any cause, application, or matter. However, a special State officer or employee without responsibility for matters affecting casino activity may hold employment directly with any holder of or applicant for a casino license or any holding or intermediary company thereof and if so employed may hold, directly or indirectly, an interest in, or represent, appear for, or negotiate on behalf of, his employer, except as otherwise prohibited by law.
- c. No person or any member of his immediate family, nor any partnership, firm or corporation with which such person is associated or in which he has an interest, nor any partner, officer, director or employee while he is associated with such partnership, firm or corporation, shall, within two years next subsequent to the termination of the office or employment of such person, hold, directly or indirectly, an interest in, or hold employment with, or represent, appear for or negotiate on behalf of, any holder of, or applicant for, a casino license in connection with any cause, application or matter, or any holding or intermediary company with respect to such holder of, or applicant for, a casino license in connection with any phase of casino development, permitting, licensure or any other matter whatsoever related to casino activity, except that:

1. A member of the immediate family of a person may hold employment with the holder of, or applicant for, a casino license if, in the judgement of the Executive Commission on Ethical Standards, the Joint Legislative Committee on Ethical Standards, or the Supreme Court, as appropriate, such employment will not interfere with the responsibilities of the person and will not create a conflict of interest, or reasonable risk of the public perception of a conflict of interest, on the part of the person; and
  2. an employee who is terminated as a result of a reduction in the workforce at the agency where employed, other than an employee who held a policy-making management position at any time during the five years prior to termination of employment, may, at any time prior to the end of the two-year period, accept employment with the holder of, or applicant for, a casino license if, in the judgement of the Executive Commission on Ethical Standards, the Joint Legislative Committee on Ethical Standards, or the Supreme Court, as appropriate, such employment will not create a conflict of interest, or reasonable risk of the public perception of a conflict of interest, on the part of the employee. In no case shall the restrictions of this subsection apply to a secretarial or clerical employee.
  3. Any partnership, firm or corporation engaged in the practice of law with which a former member of the Judiciary is associated, and any partner, officer, director or employee thereof, other than the former member, may represent, appear for or negotiate on behalf of any holder of, or applicant for, a casino license in connection with any cause, application or matter or any holding company or intermediary company with respect to such holder of, or applicant for, a casino license in connection with any phase of casino development, permitting, licensure or any other matter whatsoever related to casino activity, and the former member shall not be barred from association with such partnership, firm or corporation, if the former member: (1) is screened, for a period of two years next subsequent to the termination of the former member's employment, from personal participation in any such representation, appearance or negotiation; and (2) the former member is associated with the partnership, firm or corporation in a position considered "of counsel," which does not entail any equity interest in the partnership, firm or corporation.
- d. This section shall not apply to the spouse of a State officer or employee, which State officer or employee is without responsibility for matters affecting casino activity, who becomes the spouse subsequent to the State officer's or employee's appointment or employment as a State officer or employee and who is not individually employed by a holder of, or applicant for, a casino license, or any holding or intermediary company.

- e. The Joint Legislative Committee on Ethical Standards and the Executive Commission on Ethical Standards , as appropriate, shall forthwith determine and publish, and periodically update, a list of those positions in State government with responsibility for matters affecting casino activity.
- f. No person shall solicit or accept, directly or indirectly, any complimentary service or discount from any casino applicant or licensee which he knows or has reason to know is other than a service or discount that is offered to members of the general public in like circumstance.
- g. No person shall influence, or attempt to influence, by use of his official authority, the decision of the commission or the investigation of the division in any application for licensure or in any proceeding to enforce the provision of this act or the regulations of the commission.
- h. Any person who willfully violates the provisions of this section is a disorderly person and shall be subject to a fine not to exceed \$500.00 or imprisonment not to exceed six months, or both.

**L. Contracts, agreements, sales or purchases with state**

N.J.S.A. 52:13 D-19

- a. No member of the Legislature or State officer or employee shall knowingly himself, or by his partners or through any corporation which he controls or in which he owns or controls more than 1% of stock, or by any other person for this use or benefit or on his account, undertake or execute, in whole or in part, any contract, agreement, sale or purchase of the value of \$25.00 or more, made, entered into, awarded or granted by any State agency, except as provided in subsection b. of this section. No special State officer or employee having any duties or responsibilities in connection with the purchase or acquisition of property or services by the State agency where he is employed or an officer shall knowingly himself, by his partners or through any corporation which he controls or in which he owns or controls more than 1% of the stock, or by any other person for his use or benefit or on his account, undertake or execute, in whole or in part, any contract, agreement, sale or purchase of the value of \$25.00 or more, made, entered into, awarded or granted by that State agency, except as provided in subsection b. of this section. The restriction contained in this subsection shall apply to the contracts of interstate agencies to the extent consistent with law only if the contract, agreement, sale or purchase is undertaken or executed by a New Jersey member to that agency or by his partners or a corporation in which he owns or controls more than 1% of the stock.
- b. The provisions of subsection a. of this section shall not apply, to (a) purchases, contracts, agreements or sales which (1) are made or let after public notice and competitive bidding or which (2), pursuant to section 5 of chapter 48 of the laws of 1944 (C. 52:34-10) or such other similar provisions

contained in the public bidding laws or regulations applicable to other State agencies, may be made, negotiated or awarded without public advertising for bids, or (b) any contract of insurance entered into by the Director of the Division of Purchase and Property pursuant to section 10 of article 6 of chapter 112 of the laws of 1944 (C. 52:27B-62), if such purchases, contracts or agreements, including change orders and amendments thereto, shall receive prior approval of the Joint Legislative Committee on Ethical Standards if a member of the Legislature or State officer or employee or special State officer or employee in the Legislative Branch has an interest therein, or the Executive Commission on Ethical Standards if a State officer or employee or special State officer or employee in the Executive Branch has an interest therein.

## **VI. VIOLATIONS: DISCIPLINARY ACTION: PENALTIES**

Authority: N.J.S.A. 52:13D-21, 23, 26

Any State official found guilty by the Executive Commission on Ethical Standards of violation of any provisions of the Conflicts of Interest Law or of this Code of Ethics shall, for each violation, be fined not less than \$100 nor more than \$500 and may be suspended from his or her office or employment by order of the Commission for a period not in excess of one year.

If the Commission finds that the conduct of the State official constitutes a willful and continuous disregard of the provision of the Conflicts of Interest Law or this Code, it may order such person removed from his or her office or employment and may further bar such person from holding any public office or employment in this State in any capacity whatsoever for a period not exceeding 5 years from the date on which he or she was found guilty by the Commission. These penalties may be in addition to any other punishment provided by law.

In addition to the above, State officers or employees who violate this Code of Ethics are subject to disciplinary action by this Department, including letter of reprimand, suspension, demotion and removal.

## **VII. NOTICE TO EMPLOYEES, STATE OFFICERS AND ACKNOWLEDGEMENT OF NOTICE**

Each current officer and employee, and each new officer and employee will receive a copy of the Authority's Code of Ethics. Each officer or employee shall sign a receipt indicating the date on which the Code was received and signifying that the officer or employee is responsible for reading and bound by this Code. The receipt shall be maintained in their personnel file.